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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

Gavrilovich P1US2

In re Application of: Charles D. Gavrilovich

Application No.: 09/401,584

Filed: September 22, 1999

For: **MOBILE COMMUNICATION SYSTEM WITH MOVING BASE STATION**

The owner\*, Carucel Investments, LP, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,729,826. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record.

Charles D. Gavrilovich 10-7-02  
Signature Date

Charles D. Gavrilovich

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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PTO/SB/26 (10-00)  
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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

Gavrilovich P1US2

In re Application of: Charles D. Gavrilovich

Application No.: 09/401,584

Filed: September 22, 1999

For: MOBILE COMMUNICATION SYSTEM WITH MOVING BASE STATION

The owner\*, Carucel Investments, LP, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,026,277. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Signature Date

Charles D. Gavrilovich

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Carucel Investments, LP  
Application No./Patent No.: 09/401,584 Filed/Issue Date: September 22, 1999  
Entitled: MOBILE COMMUNICATION SYSTEM WITH MOVING BASE STATION  
Carucel Investments, a Limited Partnership,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10-7-02  
Date

Carucel, LLC by Charles D. Gavrilovich, Member

Typed or printed name  
Charles D. Gavrilovich  
Signature

General Partner

Title

## EXHIBIT B

### ASSIGNMENT

This Assignment is made this 03 day of AUGUST, 2000, by Charles D. Gavrilovich ("Assignor"), having an address of 1745 Pavilion Way, Park Ridge, Illinois 60068, to Carucel Investments L.P., ("Assignee"), a Delaware limited partnership having a principal place of business at 7 S 533 Plainfield Road, Naperville, Illinois 60540.

### RECITALS

WHEREAS, Assignor is the sole owner of certain new and useful inventions described in the patents and patent applications ("Patents") listed below in Definition Section I.

WHEREAS, Assignee desires to acquire from the Assignor, and the Assignor is willing to transfer to Assignee, the patents and patent applications ("Patents") and rights derived therefrom under the terms and conditions set forth in the this Patent Assignment;

NOW, THEREFORE, for good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

#### I. DEFINITION.

The term "Patents" means the patents and patent applications listed below and any other United States or foreign patents granted or issued covering the inventions in the Patents or that derive a right of priority from the Patents (including, without limitation, all divisional, continuation, continuation-in-part and continued prosecution applications thereof, and all revivals, reissues, and re-examinations thereof, and all foreign counterparts thereof).

#### PATENTS

<u>Country</u>	<u>Patent/Application No.</u>	<u>Status</u>
Argentina	P 96 01 02857	Pending
Australia	704764	Issued
Brazil	PI9510605-7	Pending
Canada	2,218,546	Pending
Chile	741-96	Pending
China	95197867.5	Pending
European Patent Convention (Belgium, Germany, Denmark, Spain, France, Great Britain, Ireland, Italy, Netherlands, and Sweden)	95922951.9	Pending
Federation of Russia	98101109	Issued
Finland	974375	Pending
Hong Kong	981114550.3	Pending

<u>Country</u>	<u>Patent/Application No.</u>	<u>Status</u>
Hungry	P 98 01174	Issued
India	892CAL96	Pending
Israel	118492	Pending
Japan	536423/1996	Pending
Mexico	97,9258	Pending
New Zealand	288432	Pending
Norway	97,5533	Pending
Philippines	1-58734	Pending
Poland	P 323 682	Issued
Singapore	9705221-1	Pending
South Korea	97-708711	Pending
Taiwan	85105724	Issued
Thailand	031671	Published
United States	5,729,826	Issued
United States	6,026,277	Issued
United States	09/401,584	Pending
Venezuela	0908-96	Pending
Vietnam	S19971259	Pending
WIPO	PCT/US95/07037	Published

## **II. ASSIGNMENT**

1. Assignor does and will sell, assign, and transfer to Assignee, the Assignor's entire right, title, and interest in and to each of the Patents, including, without limitation, the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

2. Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, Assignor and its legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing each of the Patents in the United States and throughout the world. In the event that Assignee is unable for any reason to secure the Assignor's signature to any document that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing each of the Invention Patents in the United States and throughout the world, the Assignor hereby irrevocably designates and appoints Assignee and Assignee's duly authorized officers and agents as the Assignor's agents and attorneys-in-fact to act for and on the Assignor's behalf and instead of the Assignor to execute such document, all with the same legal force and effect as if executed by the Assignor.

3. Assignor represents and warrants that it has not granted and will not grant to others (i) any rights, title or interest in and to any of the Patents, or (ii) any rights inconsistent with the rights granted herein.

IN WITNESS WHEREOF, Assignor has executed this Assignment effective as of the date first set forth above.

Assignor:

Charles D. Gavrilovich

Charles D. Gavrilovich

Signature

August 3, 2000

Date

STATE OF Illinois )

COUNTY OF Cook )

On Aug 3, 2000, before me, Judith L. Buren a Notary Public, personally appeared Charles D. Gavrilovich personally known to me - OR - X proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Judith L. Buren  
(Signature of Notary)

